

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITIBANK, N.A.,

Plaintiff and Counter-
Defendant,

-against-

MORGAN STANLEY & CO.
INTERNATIONAL, PLC,

Defendant and
Counterclaimant.

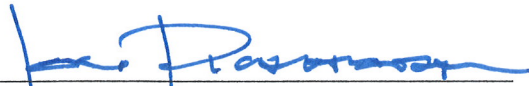
09 Civ. 8197 (SAS)

NOTICE OF MOTION TO DISMISS

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law and supporting Declaration of Jonathan E. Pickhardt, dated February 26, 2010, Defendant Morgan Stanley & Co. International, PLC hereby moves this Court, before the Hon. Shira A. Scheindlin, in Courtroom 15C at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, for a judgment and order, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, granting Defendant judgment on the pleadings and dismissing the Complaint for failure to state a claim upon which relief may be granted, and granting any such relief as this Court deems just and proper.

DATED: New York, New York
February 26, 2010

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

By: 
Michael B. Carlinsky
Jonathan E. Pickhardt
Simona Gory

51 Madison Avenue, 22nd Floor
New York, New York 10010-1601
(212) 849-7000
michaelcarlinsky@quinnemanuel.com
jonpickhardt@quinnemanuel.com
simonagory@quinnemanuel.com

*Attorneys for Defendant Morgan Stanley & Co.
International, PLC*